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| <b>Form PTO-1449</b><br><br><b>INFORMATION DISCLOSURE CITATION<br/>IN AN APPLICATION</b><br><br><i>(Use several sheets if necessary)</i> | Docket Number 223002006313           | Application Number 08/441,355 |
|  | Applicant<br>Michael HOUGHTON et al. |                               |
|  | Filing Date May 15, 1995             | Group Art Unit 1631           |
|  | Delivery Date June 21, 2002          |                               |

# 37

## U.S. PATENT DOCUMENTS

| Examiner<br>Initials | Ref.<br>No. | Date           | Document No. | Name            | Class | Subclass | Filing Date If<br>Appropriate |
|----------------------|-------------|----------------|--------------|-----------------|-------|----------|-------------------------------|
| MB                   | 1.          | Dec. 13, 1994  | 5,372,928    | Miyamura et al. | 435   | 5        |                               |
|                      | 2.          | Jan. 5, 1999   | 5,856,437    | Miyamura et al. | 530   | 350      |                               |
|                      | 3.          | Feb. 16, 1999  | 5,871,903    | Miyamura et al. | 435   | 5        |                               |
| MB                   | 4.          | Sept. 28, 1999 | 5,959,092    | Miyamura et al. | 536   | 23.72    |                               |

## FOREIGN PATENT DOCUMENTS

| Examiner<br>Initials | Ref.<br>No. | Date | Document No. | Country | Class | Subclass | Translation<br>YES NO |
|----------------------|-------------|------|--------------|---------|-------|----------|-----------------------|
|                      |             |      |              |         |       |          |                       |

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

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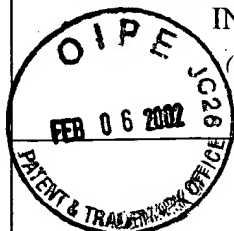
Applicants

Michael HOUGHTON et al.

Filing Date: May 15, 1995

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Mailing Date: February 6, 2002



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## U.S. PATENT DOCUMENTS

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|-------------------|----------|------|--------------|---------|-------|----------|--------------------|
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## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title  |
|-------------------|----------|--|
| MKB               | 1.       | Interlocutory Decision In Opposition Proceedings (Article 106(3) EPC) at Oral Proceedings of April 10, 1996 (1) Text of Articles 106-108 EPC (Form 2019) (1 page), (2) Reasons for the Decision (Form 2916) (pgs. 42), (3) Documents relating to the amended text (Form 2339.4) (pgs. 3) |
|                   | 2.       | Letter from Lederer, Keller, & Reiderer to the European Patent Office re: European Patent no. 0 318 216 European Patent Appeal No. 88.310922.5-2105 Patentee: Chiron Corporation Opponent: Hoffmann-La Roche AG dated on February 12, 1997. (pgs. 3)                                     |
|                   | 3.       | Letter from J. A. Kemp & Co. to the European Patent Office dated February 27, 1997 re: European Patent 318 216 re: Notice of Appeal against certain aspects of the Interlocutory Decision of the Opposition Division. (pgs. 6)   |
|                   | 4.       | Letter from European Patent Office to J.A. Kemp & Co. dated March 5, 1997 re: Assignment to Technical Board of Appeal 334 to the proceedings bearing Case No. T0188/97-334. (1 page)   |
|                   | 5.       | Letter from Abel & Imray to the European Patent Office dated April 23, 1997 re: European Patent Application No. 88310922.5 European Patent No. 0318216 of Chiron Corporation; Opposition by Specialist Diagnostics Limited withdrawing from the opposition. (pgs. 2)                     |
|                   | 6.       | Letter from the European Patent Office to J.A. Kemp & Co. dated April 25, 1997 re: European Patent No. 0 318 216 European Patent Application No. 88310922.5-2105 - Substantiation of Appeal by F. Hoffmann-La Roche (pgs 22)   |
|                   | 7.       | Letter from J.A. Kemp & Co. to European Patent Office dated April 28, 1997, re: Setting out the Grounds of Appeal in Accordance with EPC Article 108; the Proprietor's Appeal against certain adverse findings in the Decision of the Opposition Division. (pgs. 19)                     |

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Application Number: 08/441,355

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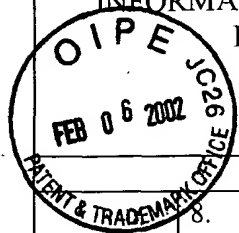
Applicants

Michael HOUGHTON et al.

Filing Date: May 15, 1995

Group Art Unit 1631

Mailing Date: February 6, 2002



8. (1) Letter from J. A. Kemp & Co. to the European Patent Office dated February 25, 1998, re: European Patent No. 318216 requesting a two month extension for the proprietor to file a reply to the Statement of Appeal filed by the Opponent Appellant Roche. (pgs. 6) (2) Letter from Lederer, Keller & Riederer to European Patent Office Board of Appeal dated January 7, 1998 re: T 0188/97-3.3.4 (European Patent No. 0 318 216) granting further extension of two months ( total 10 mos.) (3) Letter from J.A. Kemp to EPO requesting 2 month extension dated December 19, 1997. (4) Letter from the European Patent Office granting two month extensions for all parties (a copy of request).(pgs. 4)
9. Letter from the European Patent Office to J.A. Kemp & Co. dated March 16, 1998 re: T 0188/97-3.3.4 (European Patent No. 0 318 216) re: Response to the substantiation of appeal submitted on behalf of the proprietor.(pgs. 9) App. No. 88310922.5-2105
10. Letter from J.A. Kemp & Co. to The European Patent Office dated May 5, 1998, re: the reply of the Proprietor -Respondent to the Statement of Appeal from O-VI of 22nd April 1997. (pgs. 33)
11. Letter from Lederer, Keller & Riederer to the European Patent Office Board of Appeal dated: August 13, 1999, re: T0188/97-3.3.4 re: Inconsistency of the argumentation of patentee concerning Article 123 (2) EPC. (pgs. 6)
12. Letter from Lederer, Keller & Riederer to the European Patent Office dated August 23, 1999, re: T 0188/97-3.3.4 (European Patent No. 0 318 216) -Request for early oral proceedings. (pgs. 2)
13. Letter from European Patent Office dated September 7, 1999 re: Summon parties to attend Oral Proceedings on Feb. 29 and March 1, 2000. (pgs. 1)
14. Letter from J.A. Kemp & Co. to The European Patent Office dated September 17, 1999, re: Inconvenience of dates for Oral Proceedings commencing week of February 28, 2000.(pgs. 2)
15. Letter from European Patent Office to J.A. Kemp & Co. Dated October 26, 1999 re: Annex to the summons to attend oral proceedings (Appeal no. T0188/97-334). (pgs. 21 - 2 sets of 10 plus cover letter)
16. Letter from European Patent Office Board of Appeals to J. A. Kemp & Co. dated November 29, 1999, re: T 0188/97-3.3.4 (European Patent No. 0 318 216)-Requesting a copy of exhibit X1 mentioned in patentees statement. (pgs. 2)
17. Letter from Lederer, Keller & Riederer to J.A. Kemp & Co. dated December 8, 1999, re: Appeal T 188/97-3.3.4 - Possible postponement of the oral proceedings. (pgs. 1)
18. Letter from J.A. Kemp & Co. to The European Patent Office dated December 10, 1999, re: Attempted Intervention under EPC Article 105 by Innogenetics N.V (pgs. 4)
19. Letter from The European Patent Office to all parties dated December 17, 1999 to inform of the Oral proceedings on Feb. 29 2000 and March 1, 2000 would continue on June 27, 28 and 29 2000.(pgs. 3)
20. Letter from J.A. Kemp & Co. to The European Patent Office acknowledging receipt of summons dated December 17, 1999.( pgs. 2)

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| Form PTO-1449  |  | Docket Number: 223002006313           | Application Number: 08/441,355 |
| <b>INFORMATION DISCLOSURE CITATION<br/>IN AN APPLICATION</b><br><i>(Use several sheets if necessary)</i>   |  | Applicants<br>Michael HOUGHTON et al. |                                |
|  |  | Filing Date: May 15, 1995             | Group Art Unit 1631            |
|  |  | Mailing Date: February 6, 2002        |                                |
| 21.  | Letter from Brookes & Martin to Registry Board of Appeal European Patent Office dated December 21, 1999. re: Appeal No. T188/37-3.3.4- Opposition to Chiron European Patent 318 216 (pgs. 2)   |                                       |                                |
| 22.  | Acknowledgement Copy- Letter from J.A. Kemp & Co. to The European Patent Office dated January 7, 2000, re: Written submissions for the Oral Proceedings (Feb. 29th and March 1, 2000). (pgs. 2)  |                                       |                                |
| 23.  | Letter from European Patent Office to J.A. Kemper & Co. re: Copy of Minutes from oral proceedings of Feb. 29, 2000. (pgs. 4)   |                                       |                                |
| 24.  | Letter from Lederer, Keller & Riederer to European Patent Office Board of Appeal dated May 11, 2000, re: Use of German language during the oral proceedings from June 27-29 2000. (pgs. 2)   |                                       |                                |
| 25.  | (1) Letter from Ann De Clercq & Co. B.V.B.A. to European Patent Office dated July 27, 1999 re: Amended version of the Written statement setting out the grounds for Opposition/Appeal/Intervention in accordance. (pgs. 89) (2) WO/93/18054A2 published September 16, 1993, WIPO, (pgs. 133)   |                                       |                                |
| 26.  | Letter from Lederer, Keller & Reiderer to European Patent Office dated May 25, 2000, re: T 0188/97-3.3.4 European Patent No. 0 318 216 - Response to the Communication of the Technical Board of Appeal 3.3.4. (pgs. 35)   |                                       |                                |
| 27.  | <del>List of Documents cited in the appeal proceedings (pgs. 3)</del>  |                                       |                                |
| 28.  | Letter from Ann Declerq & Co. B.V.B.A. to The European Patent Office dated May 26, 2000 re: Response to the Communication of the Technical Board of Appeal 3.3.4 dated October 26, 1999. (pgs. 25)   |                                       |                                |
| 29.  | Letter from Ann Declerq & Co. B.V.B.A. to The European Patent Office dated May 26, 2000 re: Copies of articles of Weiner et. al. 1990 and Houghton et. al., 1991. Weiner et. al. (1991) "Molecular Biology of the Hepatitis C Viruses: Implications for Diagnosis, Development and Control of Viral Disease," <i>Hepatology</i> 14:381-388. Houghton et. al. (1990) "Detection of Hepatitis C Viral Sequences in Non-A, Non-B Hepatitis," <i>The Lancet</i> 335:1-3. (pgs. 12 total) |                                       |                                |
| 30.  | Letter from J. A. Kemp & Co. to European Patent Office dated May 26, 2000, re: Written submissions on behalf of the Patentee filed in Preparation for Oral Proceedings commencing Tuesday, June 27, 2000. (pgs. 5)   |                                       |                                |
| 31.  | Appeal No. T0188/97-334 Concerning European Patent No. 318,216 Chiron Corporation - Further Written submissions on Behalf of The Patentee. dated May 2000 from J.A. & Co. (pgs. 28)  |                                       |                                |
| 32.  | (June 2000) Main Request for Contracting States: AT, BE, CH, DE, FR, IT, LI, LU, NL & SE (pgs. 12)   |                                       |                                |
| 33.  | (June 2000) Main Request for Contracting State: ES (pgs. 8)  |                                       |                                |
| 34.  | (June 2000) Main Request for Contracting State: GR (pgs. 12)   |                                       |                                |
| 35.  | (June 2000) Auxiliary Request A For Contracting States: AT, BE, CH, DE FR, IT, LI, LU, NL & SE. (pgs. 13)  |                                       |                                |
| EXAMINER: <i>MKB</i>   |  | DATE CONSIDERED: <i>12/20/02</i>      |                                |
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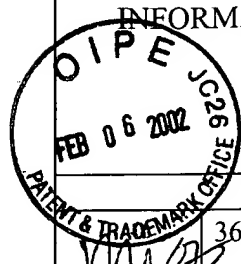
Applicants

Michael HOUGHTON et al.

Filing Date: May 15, 1995

Group Art Unit 1631

Mailing Date: February 6, 2002



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| 36.           | (June 2000) Auxiliary Request B For Contracting States: AT, BE, CH, DE FR, IT, LI, LU, NL & SE. (pgs. 11)   |
| 37.           | (June 2000) Auxiliary Request C For Contracting States: AT, BE, CH, DE FR, IT, LI, LU, NL & SE. (pgs. 14)   |
| 38.           | (June 2000) Auxiliary Request D For Contracting States: AT, BE, CH, DE FR, IT, LI, LU, NL & SE. (pgs. 10)   |
| 39.           | missing   |
| 40.<br>(1-11) | (1) Affidavit of David James Kemp on August 16, 1999 In the Federal Court of Australia New South Wales District Registry General Division. Case no. NG10029 of 1997. (pgs. 20)  |
|               | (2) Exhibit marked DJK-11 referred to in the affidavit of David James Kemp on August 16, 1999 In the Federal Court of Australia New South Wales District Registry General Division. Case no. NG10029 of 1997. (pgs. 69) |
|               | (3) Exhibit marked DJK-12 referred to in the affidavit of David James Kemp on August 16, 1999 or August 16, 1999 In the Federal Court of Australia New South Wales District Registry. Case no. G1029 of 1997. (pgs. 51) |
|               | (4) Exhibit marked DJK-13 referred to in the affidavit of David James Kemp on August 16, 1999 In the Federal Court of Australia New South Wales District Registry. Case no. G1029-of 1997. (pgs. 2)                     |
|               | (5) Exhibit marked DJK-14 referred to in the affidavit of David James Kemp on August 16, 1999 In the Federal Court of Australia New South Wales District Registry. Case no. G1029 of 1997. (pgs. 4)                     |
|               | (6) Exhibit marked DJK-15 referred to in the affidavit of David James Kemp on August 16, 1999 In The Federal Court of Australia New South Wales District Registry. Case no. G1029- of 1997. (pgs. 3)                    |
|               | (7) Exhibit marked DJK-16 referred to in the affidavit of David James Kemp on August 16, 1999 In The Federal Court of Australia New South Wales District Registry. Case no. G1029- of 1997. (pgs. 49)                   |
|               | (8) Exhibit marked DJK-17 referred to in the affidavit of David James Kemp on August 16, 1999 In The Federal Court of Australia New South Wales District Registry. Case no. G1029- of 1997. (pgs. 15)                   |
|               | (9) Exhibit marked DJK-18 referred to in the affidavit of David James Kemp on August 16, 1999 In The Federal Court of Australia New South Wales District Registry. Case no. G1029- of 1997. (pgs. 4)                    |
|               | (10) Exhibit marked DJK-19 referred to in the affidavit of David James Kemp on August 16, 1999 In The Federal Court of Australia New South Wales District Registry. Case no. G1029- of 1997. (pgs. 31)                  |
|               | (11) Exhibit marked DJK-20 referred to in the affidavit of David James Kemp on August 16, 1999 In The Federal Court of Australia New South Wales District Registry. Case no. G1029- of 1997. (pgs. 146)                 |

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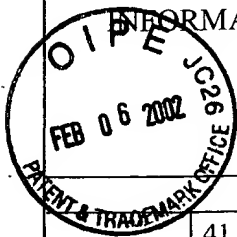
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Group Art Unit 1631

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|-----|--|
| 41. | Acknowledgement Copy -Letter from J. A. Kemp & Co. to The European Patent Office dated June 15, 2000, re: Appeal T0188/97-3.3.4 Signed versions of the Statement of Dr. Weiner and the Declaration of Dr. Lamson. (pgs. 1)   |
| 42. | Acknowledgement Copy- Letter from J.A. Kemp & Co. to The European Patent Office dated June 16, 2000 re: missing copy of Figure 5 (Section 3, pg. 6 of D642).(pgs. 5)   |
| 43. | Acknowledgement Copy-Letter from J.A. Kemp & Co. to The European Patent Office dated June 16, 2000 re: Bring to the Board's attention to some procedural points; which are directly from Opponent's VI's submissions.(pgs. 5)  |
| 44. | (1) Boards of Appeal of the European Patent Office-Decision dated January 21, 1999; re: Application No. 82304478.9.(pgs. 13) (2) Boards of Appeal of the EPO - Decision date July 6, 1994 re: Application No. 82902213.6 (pgs. 12) (3) Boards of Appeal of the European Patent Office - Decision date March 10, 1994 re: Application No. 84300759.2 (pgs. 7) |
| 45. | Letter from Ann DeClercq & Co. B.V.B.A. dated June 16, 2000, re: Appeal Case T 188/97-3.3.4 European Patent 0 318 216/EP 88 310 922.5;Dr. Peter Simmonds accompanying Dr. Ann Clercq to the Oral Proceedings (pgs. 1)  |
| 46. | Letter from D.M. Goldin dated June 19, 2000 re: Appeal T0188/97-3.3.4 re: Original signed version of the Statement of Professor Thiel (pgs. 1)   |
| 47. | Letter from Lederer, Keller & Riederer to The European Patent Office Board of Appeal 3.3.4 dated June 20, 2000 re: Appeal T 0188/97-3.3.4 Chiron Corporation European Patent No. 318 216 (Application No. 310922.5) Typing error in the Witness Statement by Dr. Geert Maertens. (pgs. 1)  |
| 48. | Letter from Lederer, Keller & Riederer to The European Patent Office dated June 21, 2000 re: T 0188/97-3.3.4 European Patent No. 0 318 216 European Patent Application No. 88.310922.5-2105; Response to patentee's submission of June 16, 2000. (pgs. 5)  |
| 49. | Authorisation of Representatives for Chiron Corp. dated June 26, 2000, signed by Robert P. Blackburn, VP & Chief Patent Counsel. (pgs. 5)  |
| 50. | Acknowledgement Copy- Letter from J.A. Kemp & Co. to European Patent Office dated June 24, 2000 re: Appeal T0188/97-3.3.4 European Patent No. 318 216; Dr. Simmonds accompanying Dr. De Clercq to the Oral Proceedings.(pgs. 4)  |
| 51. | Acknowledgement copy- Letter from J.A. Kemp & Co. to European Patent Office dated June 26, 2000 and attachments re: Appeal T0188/97-3.3.4; Consolidated list of documents. (pgs. 27)   |
| 52. | Acknowledgement Copy- Letter from J.A. Kemp & Co. to European Patent Office and attachments dated June 26, 2000; re: Appeal T0188/97-3.3.4 European Patent No. 318 216- Original signed versions of the Statement of Professor Thiel. (pgs. 16)  |
| 53. | Acknowledgement Copy: Letter from J. A. Kemp & Co. to European Patent Office dated June 26, 2000; Bring to the Boards attention admissibility of Opponent VI's Opposition -Appeal. (pgs. 4)  |

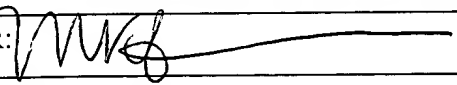
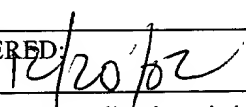
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| 54.  | Acknowledgement Copy - Letter from J.A. Kemp & Co. to European Patent Office and attachments dated June 26, 2000 re: Appeal T0188/97-3.3.4 European Patent No. 318 216; Declaration by Dr. M. Houghton with annexes MH-1, MH-2 and MH-3.(pgs. 27)   |  |                                |
| 55.  | Letter from European Patent Office to J.A. Kemp & Co. dated July 18, 2000; re: Minutes of the oral proceedings of June 27-30 2000. (pgs. 4)   |  |                                |
| 56.  | Acknowledgement Copy-Letter from J.A. Kemp & Co. to The European Patent Office and attachments dated August 29, 2000 re: Appeal No.T0188/97-3.3.4 concerning European Patent No. 318,216; amended pages for incorporation into the specification of the granted patent.(pgs. 12)  |  |                                |
| 57.  | Chiron HCV Case 1 European Patent No. 318,216 Appeal No. T0188/97; Claims Maintained By Board of Appeal At Oral Proceedings on June 27-30 2000 ("Auxiliary Request E"); Hand-Amended Claims As Submitted to the Board (Definitive), Plus Retyped Equivalents (For Ease of Reference); Claims 1-5 For Contracting States: AT, BE, CH, DE, FR, IT, LI, LU, NL & ES; Claims 1-9 For Contracting State: ES; Claims 1-12 For Contracting State: GR (pgs. 45) |  |                                |
| 58.  | Letter from the European Patent Office to J.A. Kemp & Co. dated Feb. 23, 2001 re: Decision of the Technical Board of Appeal 3.3.4 of Feb. 8, 2001. (pgs. 75)  |  |                                |
| ?  | Loose in cover- Letter from J.A. Kemp & Co. to Dr. Gladys Monroy ( Morrison & Foerster LLP) dated August 13, 2001 re: Documents in relation to case (Chiron HCV-1 - NANBV Diagnostics Opposition by Roche & Others to Chiron European Patent No. 0 318 216 & subsequent Appeal No. T0188/97. (pgs. 2)   |  |                                |
| 59.  | missing   |  |                                |
| 60.  | Expert's Report of Dr. Peters Simmonds on May 25, 2000 (pgs. 13). Curriculum vitae of Dr. Peter Simmonds (pgs. 25)  |  |                                |
| 61.  | Expert Report of Geneviève Inchauspé on May 16, 2000 (pgs. 23). Curriculum vitae of Geneviève Inchauspé. (pgs. 10)  |  |                                |
| 62.  | Revised Expert Report of DR. Geert G.H. Maertens on May 28, 2000 to the European Patent Office (pgs. 40). Curriculum vitae of Dr. Geert G.H. Maertens. (pgs. 6) Figures 1-4. (pgs 4)  |  |                                |
| 63.  | <del>Barnhart, R.K. An Abstract from The American Heritage Dictionary of Science. S. Steimetz, Ed. Houghton-Mifflin, Boston. (pgs. 2)</del>   |  |                                |
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Michael HOUGHTON et al.

Filing Date: May 15, 1995

Group Art Unit 1631

Mailing Date: February 6, 2002

64.

(1) Extract from the Examination file of EP-A-0 556 292 (EP application No. 92900091.7) in name of Chiron (pgs. 4); (2) Letter from J.A. Kemp & Co.) to European Patent Office; dated March 24, 1997 re: A two month extension for the Examination Report dated November 19, 1996. (pgs. 1); (3) A letter from J.A. Kemp & Co. to European Patent Office dated May 23, 1997 re: Copies of new claims 1-24 to replace current on file and a copy of original claims 1-21 (pgs. 7); (4) Communication from European Patent Office pursuant to Article 96(2) and Rule 51 (2) EPC dated March 4, 1998 (pgs. 4); (5) A letter from J.A. Kemp & Co. to the European Patent Office dated September 8, 1998 re: Response to the Communiagation pursuant to Article 96(2) and Rule 51(2) EPC dated March 4, 1998 to replace new copies of pages 24 to 27 (pgs. 10).

65.

Expert's Report and Witness Statement of David James Kemp on May 26, 2000 (pgs. 6)

66.

Houghton et al. (1996) "Development of an HCV vaccine"(based on presentation at Rome Hepatitis meeting) in April, 1996; (pgs. 17).

67.

Statement of Professor Dr. Heinz-Jürgen Thiel dated May 26, 2000 (pgs. 9) and attachments(1) Annexure "H-JT-1" To the Statement of Dr. Heinz-Jürgen Thiel, Curriculum Vitae, (2) Annexure "H-JT-2" To The Statement of Professor Dr. Heinz-Jürgen Thiel, Hepacivirus Figure (3) Annexure "H-JT-3" To the Statement of Professor of Dr. Heinz-Jürgen Thiel Sequenzvergleich von HCV-1 mit anderen Genotypen im Sequenzberiech Fig. 14 (Sequence), (4)Annexure "H-JT-4" To The Statement of Professor Dr. Heinz-Jürgen Thiel-Supplementary Expert's Report of Howard Christopher Thomas, dated February 4, 1993 Okamoto et al.(1990) "The 5' Terminal Sequence of the Hepatitis C Virus Genome" Japan Journal Exp. Med. Vol. 60:167-177. Okamoto et al. (1991) "Nucleotide sequence of the genomic RNA of hepatitis C Virus Isolated from Human Carrier: Comparison with Reported Isolates for Conserved and Divergent Regions" Journal of General Virology Vol.72: 2697-2704. Okamoto et al. (1992) " Full -Length Sequence of a Hepatitis C Virus Genome Having Poor Homology to Reported Isolates: Comparative Study of Four Distinct Genotypes" Virology Vol. 188:331-341. Kato et al.(1990)" Molecular Cloning of the Human Hepatitis C Virus Genome from Japanese Patients with Non-A, and Non-B Hepatitis" Proc. Natl. Acad. Sci. USA, Vol. 87:9524-9528.

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Declaration of George Lamson dated May 25, 2000 (pgs. 76 total) and attachments. (1) Curriculum vitae of George Lamson, (pgs. 2) (2) Sequence Comparison-HCV Figure 14 from EP318216 vs. GBV-C/HGV. (pgs. 2)

69.

Statement of Amy J. Weiner, PhD dated May 25, 2000 (3 pages) and attachments. (1) Curriculum Vitae of Amy J. Weiner (pgs. 7); Figure of 5-1-1 (pgs. 1)

70.

(1)Affidavit of Murray Briggs Gardner on July 20, 1996 before The Federal Court of Australia New South Wales District Registry General Division case no. G 106 of 1994. (pgs. 10) (2) Affidavit of Robert Jjian on October 31, 1995 before The Federal Court of Australia New South Wales District Registry General Division, case no. G106 of 1994, (pgs. 5)

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71.

(1) Affidavit of Amy Joan Weiner on November 1, 1995 before The Federal Court of Australia New South Wales District Registry General Division case no. G106 of 1994. (2) Annexure marked "AJW-5" to the Affidavit of Amy Joan Weiner affirmed on November 1, 1995, In The Federal Court of Australia New South Wales District Registry General Division 1994 and attachments (a) letter from Dr. Lau to the Deputy Editor of the The Lancet with correct results amended in figure 1 of article The Lancet 341:1501-1504.

72.

Affidavit of Michael Houghton on November 29, 1995 In The Federal Court of Australia New South Wales District Registry General Division case no. G 106 of 1994. (pgs. 2) (Tab 1) Affidavit of Christopher John Burrell on November 20, 1995 In The Federal Court of Australia New South Wales District Registry General Division case no. G 106 of 1994 (pgs. 54). (1a) Annexure marked "CJB-1" to the Affidavit of Christopher John Burrell sworn on November 20, 1995 and Curriculum Vitae, (pgs. 14). (1b) Annexure marked "CJB-2" to the Affidavit of Christopher John Burrell on November 20, 1995 and attachments In The Federal Court of Australia New South Wales District Registry General Division case no. G 106 of 1994 (pgs. 6). (Tab 2) Cross examination of Dr. Reyes (pgs. 9) (Tab 3) Aldous J., Chiron Corporation v. Murex Diagnostics Ltd., Chiron Corporation v. Organon Teknika Ltd. [1996] R.P.C. (pgs. 3.) (Tab 4) Morritt L.J., Court of Appeal, Morritt L.J., Chiron Corporation v. Murex Diagnostics Ltd., Chiron Corporation v. Organon Teknika Ltd., [1996] R.P.C. (pgs. 2) (Tab 5) Affidavit of Michael Houghton on February 9, 1994 In The High Court of Justice Chancery Division Patents Court case nos. Ch 1992 C. NO. 489 CH 1992 C. NO. 1513. (pgs. 5) (Tab 6) Second affidavit of Michael Houghton (pgs. 4). (Tab 7) patent behind Tab 100 (listed under US patent). (Tab 8) PCT (Tab 9) European Patent Application US Patent No. 5,734,019 to Miyamura et al. March 3, 1998. US Patent No. 5,843,752 to Dasmahapatia et al. December 1, 1998. WO 93/1023912 May 27, 1993 WIPO (Tab 10) EPO 537 856 Al April 21, 1993 EPO.

73.

(1) Decision of May 8, 1996 of Board of Appeal of The European Patent Office re: Patent Publication Number: 0122791 (pgs. 2); (2) Decision of May 8, 1996 of Board of Appeal of The European Patent Office re: Patent Publication Number: 0122791 (pgs. 2); (3) Decision of the Technical Board of Appeal 3.3.4 of May 8, 1996 of European Patent Office re: Case No. T 0694/92-3.3.4 (pgs. 3); (4) Summary of Facts and Submissions re: European Patent No. 0 122 791 (pgs. 36).

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Okamoto et al., (1991). "Nucleotide Sequence of the Genomic RNA of Hepatitis C Virus Isolated from a Human Carrier: Comparison with Reported Isolates for Conserved and Divergent Regions," *J. Gen. Virol.* 72:2697-2704.

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(1) Supplementary Expert Report of Professor J.W. Almosnd in The High Court of Justice Chancery Division Patents Court on June 1993. CH 1992 C. Nos. 489 and 1513 (pgs. 2); (2) Letter from Simons & Simons to Messrs. Bristows Cooke & Carmael re: The reagents used in the experiments on June 18, 1993 (pgs. 3)

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van der Poel, C.L. et al., (1994). "Hepatitis C Virus Six Years On," *The Lancet* 344:1475-1479.

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~~Screening of RRV Polypeptide (pgs. 1).~~

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~~Exhibit 2 of Declaration of Dr. Hosein (pgs. 1)~~

79.

~~Page 4 of Declaration of Dr. Hosein (pgs. 1)~~

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85. Linnen, J. et al., (1996). "Molecular Cloning and Disease Association of Hepatitis G Virus: A TRansfusion-Transmissible Agent," *Science* 271:505-508.
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95. Honda, M. et al., (1991). "A Phylogenetically Conserved Stem-Loop Structure at the 5' Border of the Internal Ribosome Entry Site of Hepatitis C Virus is Required for Cap-Independent Viral Translation," *J. Virol.* 73:1165-1174.
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| 101. | <del>Sequence homology of EBV (disclosed in D21) and HCV and Gap of EBV 11680 to 11780 compared to HCV (pgs. 2)</del>  |
| 102. | Rice et al. (1985) "Nucleotide Sequence of Yellow Fever Virus: Implications for Flavivirus Gene Expression and Evolution," Science, Vol. 229:726-32.   |
| 103. | Experimental Report re: European Patent 0 318 216 European Patent Application 88.310922.5 Patentee: Chiron Corp. Opponent: F. Hoffmann-La Roche AG (Opp.) VI on March 8, 1996(amended March 18, 1996). |
| 104. | Bradley (1990) "Hepatitis Non-A, Non-B Viruses Become Identified as Hepatitis C and E Viruses", Prog. Med. Virol. Vol.37:101-135.  |
| 105. | Ezzell, C.. (1988) "Candidate Cause Identified of Non-a, and Non-B Hepatitis", Nature Vol. 333:19  |
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